

LAWS OF GUYANA

PREVENTION OF CRIMES ACT

CHAPTER 9:01

Act

1 of 1885

Amended by

18 of 1889
25 of 1893
21 of 1954
4 of 1972
9 of 1997
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11 of 2008

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1929 Ed.
c. 19
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CHAPTER 9:01
PREVENTION OF CRIMES ACT

1 of 1885

An Act for the more effectual Prevention of Crime.

[1ST JULY, 1885]

Short title.

1. This Act may be cited as the Prevention of Crimes Act.

Interpretation.

2. In this Act—

“crime” means any felony, or the offence of uttering false or counterfeit coin, or of possessing counterfeit gold or silver coin, or of obtaining goods or money by false pretences, or of conspiracy to defraud, or any misdemeanour under section 227 of the Criminal Law (Offences) Act;

c. 8:01

“offence” means any act or omission which is not a crime as defined by this Act, but is punishable either on summary conviction or on indictment.

POLICE SUPERVISION

Certain convicted persons to be

3. (1) Where any person is convicted on indictment of a crime, in addition to the punishment awarded he shall be subject to the supervision of the police commencing

subjected to
police
supervision
[11 of 2008].

immediately after the expiration of the sentence passed on him, in the following manner –

- (a) where he has no previous conviction of any crime, for a period of one year; and
- (b) where he has one previous conviction of any crime, for a period of two years; and
- (c) where he has more previous convictions than one of any crime, for a period of three years.

(2) Notwithstanding anything in subsection (1), every person shall, immediately after expiration of the sentence passed on him on conviction of an offence, be subject to the supervision of the police-

- (a) for three years, in case of an offence mentioned in Part 1 of the Schedule; and
- (b) for life, in case of a paedophile offence referred to in Part II of the schedule.

(3) For the purposes of subsection (2), a person who commits an offence mentioned in Part II of the Schedule shall be deemed to be a paedophile and the offence a paedophile offence.

Notification by
person under
supervision of
his residence
or change
thereof
[11 of 2008].

4. (1) Every person subject to the supervision of the police who is at large in Guyana shall notify the place of his residence to the police authorities of the police division in which his residence is situate, and shall, whenever he changes his residence within the same police division, notify the change to the police authorities of that police division, and,

whenever he changes his residence from one police division to another, notify that change to the police authorities of the police division which he is leaving and to those of the police division into which he goes to reside.

(2) Every male person subject to the supervision of the police shall, once in each month, report himself, at the time prescribed by the Commissioner of Police, to the police authorities of the police division where he resides.

(3) If anyone subject to the supervision of the police who is at large in Guyana remains in any place for forty-eight hours without notifying the place of his residence to the police authorities of the police division in which that place is situate, or fails to comply with the requirements of this section as to reporting himself, he shall in each case, unless he proves to the satisfaction of the magistrate before whom he is tried that he did his best to act in conformity with the law, be liable on summary conviction to imprisonment for one year and to a fine of two hundred and fifty thousand dollars.

REGISTER OF CRIMINALS

Registers for
identification of
criminals.

5. (1) Registers of persons convicted of any crime or any offence in Guyana shall be kept in the form and contain the particulars from time to time prescribed by the Minister; and the Minister may from time to time prescribe the class or classes of prisoners to which this section shall apply.

(2) The registers shall be kept by and under the management of the Commissioner of Police or any other person appointed by the Minister for that purpose.

Regulations.

(3) The Minister may make regulations as to the photographing of prisoners convicted of crime who are confined in any prison in Guyana, and may thereby prescribe the time or times at which, and the manner and dress in

which, those prisoners are to be photographed, and the number of photographs of each prisoner to be printed, and the persons to whom the photographs are to be sent.

(4) All regulations made under the last preceding subsection shall be laid before the National Assembly as soon as practicable after they are made.

(5) The Minister may make regulations as to the measuring and photographing of all prisoners for the time being confined in any prison and the provisions of this section with respect to the photographing of prisoners shall apply to regulations made pursuant to this subsection.

(6) Anyone refusing to obey any regulation made in pursuance of this section shall be guilty of an offence, and shall be punishable as provided by the regulations.

PUNISHMENT OF CERTAIN OFFENDERS

Special offences
by persons
twice convicted
of crimes.

6. (1) Where any person is convicted on indictment of a crime and a previous conviction of a crime is proved against him, he shall, at any time within seven years immediately after the expiration of the sentence passed on him for the last of those crimes, be liable on summary conviction to imprisonment for six months, that is to say, in the following circumstances or any of them:

- (a) if, on being charged by a police constable with getting his livelihood by dishonest means, and on being brought before a magistrate, it appears to the magistrate that there are reasonable grounds for believing that the person so charged is getting his livelihood by dishonest means; or
- (b) if on being charged with an offence

punishable either on summary conviction or on indictment and, on being required by a magistrate to give his name and address, he refuses to do so, or gives a false name or a false address; or

- (c) if he is found in any place, whether public or private, in circumstances satisfying the magistrate before whom he is brought that he was about to commit or to aid in the commission of any offence punishable either on summary conviction or on indictment, or was waiting for an opportunity to commit or aid in the commission of that offence; or
- (d) if he is found in or upon any dwelling-house or any building, yard, or premises being parcel of or attached to that dwelling-house, or in or upon any shop, warehouse, counting-house, or other place of business, or in any garden, orchard, pleasure ground, or nursery ground, without being able to account, to the satisfaction of the court before which he is brought, for his being found on those premises.

(2) Any person charged with being guilty of any offence mentioned in this section may be taken into custody as follows, that is to say—

- (a) in the event of any offence first in his section mentioned by any police constable, without warrant, if the

police constable is authorised to do so by a superintendent or non-commissioned officer of police;

- (b) in the event of any offence thirdly in this section mentioned, by any police constable, without warrant, although not specially authorised to take him into custody; and
- (c) where any person is charged with being guilty of an offence fourthly in this section mentioned, he may, without warrant, be apprehended by any police constable or by the owner or occupier of the property on which he is found, or by the servants of the owner or occupier, or by any other person authorised by the owner or occupier, and may be detained until he is delivered into the custody of a constable.

Harbouring
thieves in
licensed
premises.

7. Every person who—

- (a) occupies, or keeps or manages for another person, or holds a licence for any lodging-house, tavern, retail spirit shop, or place where intoxicating liquors are sold, or any place of public entertainment or public resort; or

Harbouring
thieves in
brothel.
[9 of 1997
11 of 1998]

- (b) occupies or keeps a brothel, and
 - (i) knowingly lodges or harbours thieves or reputed thieves, or knowingly permits or suffers them to meet or assemble therein; or

- (ii) knowingly allows the deposit of goods therein, having reasonable cause for believing them to be stolen,

shall be liable on summary conviction to a fine of not less than fifteen thousand dollars and not more than thirty thousand dollars, and, in default of payment, to imprisonment for any term of not less than two months and not more than six months.

Recognizance to be of good behaviour in lieu of fine. [9 of 1997 11 of 1998]

8. The magistrate before whom any person of those mentioned in the last preceding section is brought may, if he thinks fit, either in addition to, or in lieu of, any fine, require the person to enter into recognizances, with or without sureties, to keep the peace or be of good behaviour during twelve months:

Provided that—

- (a) no person shall be imprisoned for not finding the sureties for a longer period than three months; and
- (b) the security required from a surety under this section shall not exceed thirty thousand dollars.

Entry by police constable on licensed premises or brothel. [9 of 1997 11 of 1998]

9. (1) Any police constable may, for the purpose of preventing or detecting the violation of any of the provisions of section 7 and at all times enter on any premises referred to therein.

(2) Every person who, by himself, or by anyone in his employment or acting by his direction or with his consent, refuses or fails to admit any police constable in the execution of his duty demanding to enter in pursuance of this section shall be liable for the first offence to a fine of not less than seven thousand five hundred dollars nor more than

fifteen thousand dollars and for the second and every subsequent offence to a fine of not less than ten thousand dollars nor more than twenty thousand dollars.

Transmission of conviction of holder of retail spirit licence to the excise board.

10. Where any person holding a retail spirit licence or employed by the holder of a retail spirit licence is convicted under section 7 or 9 the magistrate shall transmit a copy of the evidence to the excise board, and the board may take that evidence into consideration when deciding as to the renewal of the licence.

Children of woman convicted of crime.
[4 of 1972]

11. When any woman is convicted of a crime or an indictable offence, and a previous conviction of a crime or an indictable offence is proved against her, any of her children under the age of fourteen years, and under her care and control at the time of her conviction for the last of those crimes or offences, who have no visible means of subsistence or are without proper guardianship, shall be deemed to be children to whom section 17 of the Juvenile Offenders Act applies and the court by which the woman is convicted or a magistrate's court may make an order under that section in respect of those children or any of them as if it were a juvenile court and the provisions of the Juvenile Offenders Act shall *mutatis mutandis* apply to such order.

c. 10:03

Person in public place with offensive weapon.
[21 of 1954
9 of 1997
11 of 1998]

12. (1) Any person who without lawful authority or reasonable excuse, the proof whereof shall lie on him, has with him in any public place any offensive weapon shall be guilty of an offence, and shall be liable—

- (a) on summary conviction to a fine of not less than twenty thousand dollars nor more than forty thousand dollars and to imprisonment for twelve months;
- (b) on conviction on indictment, to imprisonment for four years.

(2) Where any person is convicted of an offence under subsection (1), the court may make an order for the forfeiture or disposal of any weapon in respect of which the offence was committed.

(3) A police constable may arrest without warrant any person whom he has reasonable cause to believe to be committing an offence under subsection (1), if the police constable is not satisfied as to that person's identity or place of residence, or has reasonable cause to believe that it is necessary to arrest him in order to prevent the commission by him of any crime or offence in the course of committing which an offensive weapon might be used.

(4) In this section "public place" includes any highway and any other premises or place to which at the material time the public have or are permitted to have access, whether on payment or otherwise; and "offensive weapon" means any article made or adapted for use for causing injury to the person, or intended by the person having it with him for such use by him.

POWERS TO SEARCH FOR STOLEN PROPERTY

Search for
stolen property
on land.

13. (1) Any police constable may, in the circumstances hereafter in this section mentioned, be authorised in writing by a superintendent of police to enter, and, if so authorised, may enter, any place whatsoever (whether a building or not), in search of stolen property, and search for and seize and secure any property which he may believe to have been stolen in the same manner as he would be authorised to do if he had a search warrant and the property seized, if any, corresponded to the property described in the search warrant.

(2) Whenever any property is seized in pursuance of this section, the person on whose premises it was at the time of seizure, or the person from whom it was taken if other than the person on whose premises it was, shall,

unless previously charged with receiving it knowing it to have been stolen, be summoned before a magistrate to account for his possession of it, and the magistrate shall make such order respecting the disposal of the property, and may award such costs, as the justice of the case may require.

(3) Any superintendent of police may give the authority aforesaid in the following cases or either of them:

- (a) when the premises to be searched are, or within the preceding twelve months have been, in the occupation of any person who has been convicted of receiving stolen property or of harbouring thieves; or
- (b) when the premises to be searched are in the occupation of any person who has been convicted of any offence involving fraud or dishonesty and punishable by imprisonment.

(4) It shall not be necessary for a superintendent of police, on giving the authority, to specify any particular property, but he may give the authority if he has reason to believe generally that the premises are being made a receptacle for stolen goods.

Search for stolen property on board coasting or home trade vessel.

14. (1) Any police constable may go on board any coasting or home trade vessel within the limits or territorial waters of Guyana and there remain for any expedient time; and where any police constable has reasonable grounds to suspect that there is on board the vessel any property stolen or unlawfully obtained, he may search the vessel, or any member of the crew thereof, or any passenger on board thereof, as well as the baggage or personal property of that member of the crew or passenger, and, after demand and refusal of the keys, break open any locked receptacle or place.

(2) If the constable finds any property which there are reasonable grounds to suppose has been stolen or unlawfully obtained, he may take possession thereof, and arrest the person reasonably suspected of having dealt therewith or in whose possession it is found. No female shall be searched under this section except by a female.

(3) This section shall apply to all vessels, whether coasting or home trade or not (vessels in the service of the Government of any Commonwealth country or of any foreign country excepted):

Provided that before any vessel, other than a coasting or home trade vessel, is searched or any locked receptacle or place therein is broken open, the police shall obtain the warrant of a justice of the peace authorising the search of the vessel and the breaking open of the receptacle or place on demand and refusal of the keys.

(4) For the purposes of this section, the term "coasting vessel" means any ship, vessel, or boat trading or travelling between one part of Guyana and any other part of Guyana, and the term "home trade vessel" means any ship, vessel, or boat trading or travelling between Guyana and any neighbouring territory declared from time to time by proclamation by the Minister to be, for the purposes of this Act, a neighboring territory.

Certificate of
clearance and
list of
passengers.
[9 of 1997
11 of 1998]
c. 49:03

15. (1) The certificate of clearance for a passenger ship required by section 8 of the Passengers Act shall set forth the number, names, sexes, and ages of the several persons on board, distinguishing the passengers from the crew, and shall state the exact day and hour at which it is proposed that the ship shall set sail, and shall be in duplicate, and one copy shall be forthwith delivered by the principal officer of

customs to the principal officer of police at the port of clearance.

(2) Any police constable, if he has reasonable grounds to suspect that there is on board any person departing from Guyana in order to evade justice, may go on board the passenger ship within the limits or territorial waters of Guyana, and demand the production of the certificate of clearance, and may require the passengers and crew to be mustered and to answer to their names, and may, if he finds any such person on board, arrest that person without warrant and lodge him in the nearest police station; and the person shall, as soon as is practicable, be taken before a justice of the peace to be dealt with according to law.

(3) The last preceding subsection shall apply to passenger ships under the applied Acts entitled the Merchant Shipping Acts:

Provided that, before going on board that ship, the police constable shall obtain the warrant of a justice of the peace authorising him to demand the passenger list and to require the passengers and crew to be mustered, which warrant the justice may grant, upon reasonable ground being assigned upon oath.

Neglect or refusal to produce.

(4) The master of the ship who refuses or neglects to produce the certificate or the passenger list, when demanded, or to muster the passengers and crew, when required, and every passenger or member of the crew who refuses or neglects to attend the muster or to answer to his name, when called on, shall be liable on summary conviction to a fine of not less than fifteen thousand dollars nor more than thirty thousand dollars, or, in default of payment, to imprisonment for six months.

Master of vessel to bring to on signal of

16. (1) The master of every vessel within the provisions of this Act within the limits of Guyana shall, on

police vessel.
[9 of 1997
11 of 1998]

signal made, by day or by night, by any vessel or boat in the service of or belonging to the police department of Guyana, forthwith bring to his vessel.

(2) Every master who does not so bring to shall be liable on summary conviction to a fine of not less than thirty thousand dollars and not more than eighty thousand dollars, or, in default of payment, to imprisonment for any term of not less than six months and not more than twelve months.

Signals to be used.

17. The Minister may from time to time, by notice in the Gazette, declare what signals shall be used by day and by night by the police department under this Act.

Master and others hindering police constable.
[9 of 1997
11 of 1998]

18. Every master and every member of the crew, and every person on board, of any such vessel who hinders, obstructs, impedes, or molests any police constable under this Act shall be liable on summary conviction to a fine of not less than thirty thousand dollars nor more than sixty thousand dollars or, in default of payment, to imprisonment for eight months.

Saving as to capital punishment.

19. This Act shall not affect the infliction of capital punishment in any case where capital punishment would have been inflicted if this Act had not passed.

Power to amend schedule.
[11 of 2008]

19A. Subject to affirmative resolution of the National Assembly, the Minister may by order amend the Schedule by deleting an offence from, or including an offence, in the Schedule.

s. 3 and 19A.

SCHEDULE

**PART I
OFFENCES**

1. Armed robbery.
2. Domestic violence.
3. Hijacking.
4. Offences involving use of firearms or explosives.
5. Piracy.

**PART II
OFFENCES UNDER ANY LAW INVOLVING
ANY OF THE ACTS MENTIONED BELOW
AFFECTING A CHILD AS VICTIM**

1. Molestation.
2. Rape.
3. Sexual exploitation.
4. Pornography.
5. Prostitution.
6. Incest.
7. Kidnapping.

SUBSIDIARY LEGISLATION

**REGISTER OF CONVICTED
PERSONS ORDER**

made under section 5(1)

1. This Order may be cited as the Register of Convicted Persons Order.

2. The Register to be kept under section 5(1) of the Act shall be kept in such form as the Commissioner of Police shall deem most suitable for the accurate record of the particulars required to be kept therein.

3. The Register shall contain the following particulars relative to each person recorded therein –

- (a) name, age, colour and sex;
- (b) family antecedents;
- (c) last known address;
- (d) photographs;
- (e) measurements;
- (f) previous convictions.

[Subsidiary]

Register of Convicted Persons Order

Classes of prisoners to whom the Register shall apply.

4. The Register shall relate to prisoners convicted of the following offence:

- (a) all indictable offences;
- (b) all summary conviction offences involving fraud or dishonesty, assault on or injury to the person, malicious damage to property, riotous disturbance, vagrancy, indecency and obscenity, keeping a brothel and Sunday trading;
- (c) any offence in connection with the sale, purchase, possession or removal of Indian hemp, opium, food and drugs, poisons, spirits and intoxicating liquours;
- (d) any offence committed with intent to evade the payment of customs duties;
- (e) the offences of, driving a motor car recklessly, negligently or to the danger of the public; for being drunk in charge of a motor car; for overloading a motor car; or for driving a motor car without a licence;
- (f) the illegal practice of medicine, dentistry, midwifery and nursing;
- (g) a second or subsequent conviction for breach of the peace;
- (h) a second or subsequent conviction for fighting.

- (i) the attempt to commit or the inciting to commit any of the above-mentioned offences.

Reg. 11/2/1929

PRISONERS IDENTIFICATION REGULATIONS

made under section 5

Citation.

1. These Regulations may be cited as the Prisoners Identification Regulations.

Interpretation.

2. In these Regulations –

“crime” means any felony, or the offence of uttering false or counterfeit coin, or of possessing counterfeit gold or silver coin, or of obtaining goods or money by false pretences, or of conspiracy to defraud, or any misdemeanour under section 228 of the Criminal Law (Offences) Act;

c. 8:01

“criminal prisoner” means any prisoner charged with or convicted of crime.

When prisoner to be measured and photographed.

3. Subject as hereinafter mentioned, a criminal prisoner may be photographed and measured at any time during his imprisonment.

Dress for purposes of photographs.

4. He shall be photographed either in the dress of the prison or in the dress he wore at the time of his arrest or trial, or in any other dress suitable to his ostensible position and occupation in life.

The photograph to be taken shall include a

[Subsidiary]

Prisoners Identification Regulations

photograph of the full face, and a photograph of the true profile of the prisoner.

Measurements
to be taken.

5. The measurements to be taken may include –

the length and breadth of the head;
the length and breadth of the ears;
the length of either foot;
the length of the fingers of either hand;
the length of the cubit and hand, either right or left;
the span of the arms;
the prisoner's height when standing;
the prisoner's height when sitting;
the size and relative position of every scar and distinctive mark upon any part of the body. The external filament of the fingers and thumbs of both hands – to be taken by pressing them, first upon an ink plate, and then upon paper or cardboard, so as to leave a clear print of the skin surface.

Untried
criminal
prisoner not to
be measured or
photographed
without
consent of
Director of
Public
Prosecutions.

6. An untried criminal prisoner shall not be photographed or measured while in prison without the order in writing of the Director of Public Prosecutions upon an application in writing signed by an officer of the Police Force not below the rank of divisional commander. All such applications shall set forth that from the character of the offence with which the prisoner is charged or for other reasons to be stated, there are grounds for suspecting that he has been previously convicted, or has been engaged in crime, or that for any other cause to be stated his photograph and measurements are required for the purpose of justice.

Destruction or
delivering of
photographs
and

7. When an untried prisoner who has not been previously convicted of crime shall have been photographed and measured under the last preceding regulation, if he be

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Prevention of Crimes

[Subsidiary]

Prisoners Identification Regulations

measurements
to certain
untried
prisoners.

discharged by the magistrate or acquitted upon his trial, all photographs (both negatives and copies), finger print impressions, and records of measurements so taken, shall be forthwith destroyed or handed over to the prisoner.
